

conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On December 31, 1937, the Starr Fruit Products Co., Portland, Oreg., claimant, having consented to the entry of a decree, judgment was entered ordering that the product be released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28415. Misbranding of canned peas. U. S. v. 350 Cases of Canned Peas. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 40839. Sample No. 55216-C.)

This product was substandard because the peas were not immature, and it was not labeled to indicate that it was substandard.

On November 15, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 350 cases of canned peas at Brockton, Mass., alleging that the article had been shipped in interstate commerce on or about August 14, 1937, by the Mason Canning Co. from Pocomoke City, Md., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sea View No. 4 Sieve Alaska Peas. The Mason Canning Co. Pocomoke City Md."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On December 27, 1937, the Mason Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28416. Adulteration of flour. U. S. v. 650 Bags of Flour. Decree of condemnation and forfeiture. Flour ordered released under bond for reconditioning for animal feed. (F. & D. No. 40580. Sample Nos. 53371-C, 53395-C.)

This article was infested with insects.

On October 25, 1937, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 650 bags of flour at Dothan, Ala., alleging that the article had been shipped in interstate commerce on or about April 29, 1937, by the Wasco Warehouse Milling Co. from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Wasco 60 Flour Wasco Warehouse Milling Company The Dalles, Oregon."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On December 1, 1937, the Indiana Flour Co., Inc., Dothan, Ala., having appeared as claimant, judgment of condemnation was entered, and the seized flour (1,150 bags) was ordered released under bond conditioned that it be disposed of for animal feed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28417. Adulteration of apples. U. S. v. 14 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 40977. Sample No. 60375-C.)

This product was contaminated with arsenic and lead.

On November 9, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 7, 1937, by William Zimmerman from South Haven, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "From E. E. Bushee Rt 2 So. Haven, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On January 6, 1938, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*